



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

March 19, 1998

Mr. Rick Perry  
Commissioner  
Texas Department of Agriculture  
P.O. Box 12847  
Austin, Texas 78711

OR98-0770

Dear Mr. Perry:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 113935.

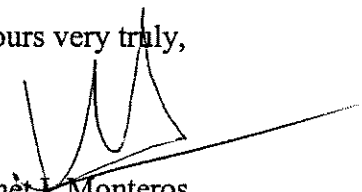
The Texas Department of Agriculture (the "department") received a request for information which concerns the certification of Tifton-85 bermuda grass submitted by Mr. Marcus Cantrell, Marbar Grass Farm (a.k.a. Marbar Farm). You indicate that the release of the requested information may implicate the proprietary interests of a third party. You raise no exception on behalf of the department. Pursuant to section 552.305 of the Government Code, this office informed Mr. Marcus Cantrell of Marbar Grass Farm whose information is requested, of the request and of his obligation to submit to this office his arguments as to why any claimed exceptions to disclosure apply to the requested information. We have considered the exception you claim and have reviewed the document at issue.

Section 552.110, which protects the property interests of third parties, provides an exception for "[a] trade secret or commercial or financial information obtained from a person and privileged or confidential by statute or judicial decision." The business did not provide information showing the applicability of any exception to the disclosure of the submitted documents. *See* Open Records Decision No. 363 (1983) (third party has duty to establish how and why exception protects particular information). Thus, section 552.110 has not been shown to be applicable and the department must release the requested information.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue

under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Janet L. Monteros  
Assistant Attorney General  
Open Records Division

JIM/glg

Ref: ID# 113935

Enclosures: Submitted documents

cc: Mr. Marcus Cantrell  
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P.O. Box 73  
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(w/o enclosures)

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